IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION No. 14145 of 2005

Between:

Taadaala Janakiramayya, S/o.Nibbaiah,
R/o.Sundarapalli, K.Gangavaram (M),
East Godavari District.

..... PETITIONER

AND

1 The Asst. Commissioner, Endowments Department,

Endowment Department,
Rajahmundry, E.G.Dist.
2 Sri Someswaraswamyvari Temple,

Sundarapalli, K.Gangavaram Mandal,
East Godavari District, rep.by its personal Management.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the respondents in conducting auction of the lease hold rights of the property in an extent of Ac.1.43 cents in Sy.No.129 of Sundaraplli village, K.Gannavaram Mandal, East Godavari District without considering the status of petitioner as illegal, arbitrary and violative of fundamental right guaranteed under Article 14 of Constitution of India and also contrary to provisions of the Act 30/1987 and rules made under and pass any other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: MS N.INDRANI

The Court at the stage of admission made the following:

ORDER:

The petitioner claims to be a landless poor person who is a tenant of agricultural land in an extent of Ac.1.43 cents in R.S.No.129 of Sundarapalli village, K.Gangavaram Mandal, East Godavari District, belonging to the 2nd respondent temple. He claims the benefits under Section 82(2) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter referred to as "the Act"). His lease stood determined under the provisions of Section 82 of the Act. He submitted a representation dated 19.05.2005 to the 1st respondent seeking a declaration that he is a landless poor person and therefore eligible to the benefits under Section 82(2) of the Act. The said application has not been disposed of. While so, it is the petitioner's grievance, the 2nd respondent is proceeding to evict him from the land in question and proceeding to auction the leasehold rights of the lands in the petitioner's possession for a future term. In the circumstance the writ petition is filed for appropriate relief.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Endowments, the writ petition itself is disposed of at the stage of admission, directing the 1st respondent to consider and determine the petitioner's claim for the benefits of a landless poor person under Section 82 of the Act, expeditiously and in any event within a period of three weeks from the date of receipt of a copy of this order. While the auction process may go on, the respondents are directed not to take steps to dispossess the petitioner until the determination of the petitioner's claim to being a landless poor person. The petitioner's rights thereafter shall depend on the outcome of such determination. No order as to costs.

GODA RAGHURAM,J

Dated: 01.07.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Assistant Commissioner,

Endowments department,

Rajahmundry, East Godavari District

2. Two CCs to the Government Pleader

for Endowments, High Court Buildings,

Hyderabad (OUT)

3. Two CD copies

4. 1 CC to MR.PRABHAKARA RAO

*Form-NIC-OGS/WP{**JA**}*